

**BOSE
McKINNEY
& EVANS LLP**

ATTORNEYS AT LAW

Christine E. Mayewski Orich

Downtown Office

Direct Dial (317) 684-5414

E-Mail: COrich@boselaw.com

Date: January 13, 2003

From: Christine M. Orich

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MESSAGE:

Re: Proposed discussion points for telephonic interview on 01/14/03 at 11:00 a.m. regarding
U.S. Patent Application Serial No: 09/389,428.

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U.S. 09/389,429
LANCET DISPENSOR

Discussion Points for Telephone Interview Scheduled for Jan. 14, 2003, 11 AM

Final Office Action Mailed 11/29/2002

Claim 22 rejected under:

102(b) - Jones 4,821,878

102(e) Nguyen 5,829,589

1. Neither Jones nor Nguyen '589 disclose, teach or suggest the claimed transport device of claim 22.
2. According to claim 22, the claimed invention includes a lancet magazine for storing a plurality of lancets, which includes a transport device adapted to transport lancets and an opening.
3. Jones does not disclose, teach or suggest the claimed transport device.
The Examiner contends that Jones teaches using a human hand as the transport device per Fig. 14. However, the human hand is not part of the lancet magazine as claim 22 requires.
The Examiner contends that Jones Fig. 15 teaches a spring 63 used as the transport device. However, the apparatus of Fig. 15 is a dispenser for anchors 14 only. See col. 2 lines 46-47. It does not hold or dispense lancets as required by claim 22.
4. Nguyen '589 does not disclose, teach or suggest the claimed transport device.

The Examiner contends that Nguyen's container 30 acts as the claimed transport device.

First, Nguyen only teaches rotating the cover 20, which does not transport lancets. Nothing in Nguyen even suggests rotation of the container 30. Nguyen teaches specific structure which prevents rotation of the container 30 (end of travel lock key 26 and end of travel lock pin 36). See Col. 4 lines 47-59.

Second, neither cover 20 nor container 30 operate to transport lancets. Even if container 30 could rotate, the rotating motion is caused by a human hand, not by the container. Thus, neither container 30 nor cover 20 satisfy the claim limitation of claim 22, which requires the transport device to be "adapted to transport lancets".

